

PUBLIC MEETING
January 15, 2002

Chairman Mike Murray called the meeting to order at 9:00 a.m.

Commissioners Varone and Loendorf were present. Others attending all or a portion of the meeting included Jerry Grebenc, Sharon Haugen, Robert Hudnall, K. Paul Stahl, Mark and Beth Berry, Tony Perpignano, Paul Wibling, Michael McHugh, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the pledge.

Minutes. There were no minutes to approve.

Proposed Minor Subdivision, Summary Review, Wolfe Tracts, Lot A Amended. The applicants propose to create an additional space for rent for one single-family dwelling. The proposal is generally located at 3750 North Montana Avenue, approximately ¾ mile north of Custer Avenue. The applicants, Mark and Beth Berry were present and indicated their willingness to proceed. Jerry Grebenc presented the staff report. The existing tract is currently developed with a dance school with an attached rental unit. The applicants have constructed a new school and intend to demolish the old school structure and retain the rental unit. The proposed subdivision is located within the B2 Commercial District of County Special Zoning District #2. The Environmental Health Department has approved and permitted the on-site wastewater treatment shared system between the school and the rental unit. Legal and physical access to the property is via two approaches from North Montana Avenue. MDT has requested that the applicants obtain an approach permit. Staff recommended approval subject to the conditions of approval as outlined in the staff report. Condition 4.c requires a road maintenance agreement and a waiver of the right to protest joining a road maintenance district. The agreement is to insure that the property owner understands they are responsible for maintenance. Due to the fact that access is directly off North Montana Avenue, staff recommended that the waiver for the road maintenance district be deleted since MDT maintains North Montana Avenue.

For applicants' clarification, condition 4.f. is not a waiver to protest annexation into the city. This condition is a waiver of the right to protest joining a special district for either the purpose of providing community water or wastewater and system improvements and/or a maintenance district. The City-County Health Department and the Water Quality Protection District have been exploring the option of creating a maintenance district to insure that on-site systems do not fail.

Staff also recommended that the Commission approve the addition of condition 8 that the applicants obtain an approach permit from MDT.

Mark Berry, 210 Norris Road. Mr. Berry stated that currently, the Allegro School of Dance occupies this space. Extensive renovations have been done to this property for the operation of the dance school. He believes the property has been improved since

adding the new building. The applicants have drilled a new well and the old well has been capped servicing both buildings. A new septic system has also been installed. The rental unit will provide more opportunity for additional cash flow. They applicants agree with staff recommendations. He asked the Commission to consider waiving condition 4.f.

Tony Perpignano, CWG Architects, 650 Power Street, stated the goal was to do the best project for this property.

Hearing no other comments, the Chairman closed this portion of the hearing.

Commissioner Varone moved that the Commission approve the proposal subject to 8 conditions as recommended by staff. Commissioner Loendorf seconded the motion.

Condition 4.a. Commissioner Varone moved to delete this condition (radon). The motion died for the lack of a second.

Condition 4.c. Commissioner Varone moved to delete the portion of the sentence which reads, "waiver of right to protest joining a road maintenance district" as recommended by staff. Commissioner Murray seconded the motion and it carried unanimously.

Condition 4.f. Commissioner Varone moved to delete this condition. This is zoning that is created by the Commission and she believes this is not legal. Commissioner Loendorf seconded the motion.

Deputy County Attorney, K. Paul Stahl, stated it is his legal opinion that this condition has nothing to do with zoning and it is a legitimate condition.

The motion carried 2-1 to delete condition 4.f. Commissioner Murray opposed the motion.

The motion to approve the proposed subdivision subject to 8 conditions as amended carried unanimously.

Final Plat Approval and Signatures for the Harms Minor Subdivision. Michael McHugh reported that the applicant, Dale Harms, has completed all of the conditions and the taxes have been paid. By consensus, the Commission agreed to sign the final plat.

Resolution to Issue a Tax Deed for Certain Property. Sharon Haugen reported this resolution is to order a tax deed to Lewis and Clark County for the Lake Helena property that the BoCC agreed to at its January 10 Subdivision meeting. Staff recommended approval. Commissioner Varone moved that the Commission approve the resolution and authorized the Chairman to sign. Commissioner Loendorf seconded the motion and it carried unanimously.

Supplement to Missile Roads Agreement for Snow Removal. Commissioner Loendorf moved that the Commission approve the agreement with the U.S. Department of

Transportation and authorized the Chairman to sign. Lewis and Clark County will be reimbursed at a rate of \$5,490 per year. Cascade County functions as the administering county. Commissioner Varone seconded the motion and it carried unanimously.

There being no other business, the meeting adjourned at 9:38 a.m.